

OFFICE OF THE ATTORNEY GENERAL

86-00176



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STATE OF ALABAMA

MAR 4 1986

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Honorable Frank P. (Skippy) White
Member, House of Representatives
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Counties - Coroners -
Compensation - Funds

The Escambia County Commission
has the authority to raise a
county coroners expense
allowance above the \$300.00 a
month minimum.

Dear Representative White:

We have received your request for an opinion from this
office. Your question was as follows:

"According to Act No. 82-110, Senate Bill
318 by Senator Kirkland, it is my inter-
pretation of this act that county coro-
ners are to be paid no less than \$300.00
per month under Section B of that act.
My question is, does the county commis-
sion have the authority to raise it above
the \$300.00 per month minimum salary?"

A public officer in this state is not entitled to
receive compensation or an expense allowance unless such
compensation or expense allowance is provided for by statute.
The coroner and deputy coroner of Escambia County have such a
statute that states in part:

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"Both the coroner and deputy coroner,
each shall receive an expense allowance
of not less than three hundred (\$300.00)
per month." (emphasis added)

§ 3, Act No. 82-110, Senate Bill 318.

A minimum amount to be paid the coroner was set by statute with no maximum amount stated. Therefore, the county commissioner has authority to pay an expense allowance of more than \$300.00 a month to the coroner and deputy coroner. An expense allowance is not included in the prohibitions of Section 281 and Amendment 92 of the Constitution of Alabama 1901, which bars a public officer from receiving an increase or decrease in compensation during the term in which he is presently serving. Therefore, the coroner can receive the increase in his expense allowance during his present term.

However, it should be noted that an expense allowance for a public officer must bear a reasonable relationship to the expenses he incurs in carrying out the duties of his office.

I hope this sufficiently answers your question. If, however, we may be of further assistance, please do not hesitate to contact us.

Sincerely,

CHARLES A. GRADDICK
Attorney General

By-



ALICE ANN BOSWELL
Assistant Attorney General

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